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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,872	10/23/2003	Sterling Reasor	MSFT121743	6758
26389 7590 06/14/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER JOO, JOSHUA	
			ART UNIT 2154	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/691,872		REASOR ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Joshua Joo		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 12, 15, 24, 27 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 15, 24, 27, and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

**Response to Amendment filed 4/23/2007**

1. Claims 1, 12, 15, 24, 27, and 37 are presented for examination.

**Response to Arguments**

2. Applicant's arguments with respect to claims 1, 12, 15, 24, 27, and 37 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Objections**

3. Claims 1, 12, 15, 24, 27, and 37 are objected to because of the following informalities:
  - i) Regarding claim 1, in step 6 of the claim, "a result" of the merging should be changed to "the result".
  - ii) Regarding claim 12, "a result of the merging" should be changed to "the result of the merging".
  - iii) Regarding claim 15,  
  
in step 1, "one of the computing devices" lacks sufficient antecedent basis and should be changed to "one of the two or more computing devices";  
  
in step 3, "the results" lacks sufficient antecedent basis, and should be changed to "results"; and  
  
in steps 3, 5, 9-11, "the queries" lacks sufficient antecedent basis, and should be changed to "the querying".
  - iv) Regarding claim 27, in steps 2-3, "a user" should be changed to "the user".
  - v) Regarding claim 37, "a result of the merging" should be changed "the result of the merging".

Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 12, 15, 24, 27, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claim 1,

all occurrences of “the user request” lack sufficient antecedent basis, and it is not clear which request “the user request” is referring to in the claim. In steps 2, 4-6, and 10, “the user request” will be considered as the request to identify data of step 1, and “the user request” associated with the record will be considered as the request of step 1. In step 8 and steps 11 and 12, wherein “the user request” is associated with merging the identification of data, “the user request” will be considered as “the second user request” of step 7;

in steps 4, 6, 10, 11, and 12, it is not clear if “at least one computing device” is referring to “at least one computing device” of step 3. “at least one computing device” will be considered as “the at least one computing device” and refer to step 3;

in step 8, it is not clear if “the set of criteria” is referring to “a set of criteria” in step 1 or “a set of criteria” in step 7; and

in step 9, “the at least one other computing device” lacks sufficient antecedent basis and will be considered as “the at least one computing device”.

- ii) Regarding claim 12, “the user request” lacks sufficient antecedent basis, and it is not clear which request “the user request” is referring to in the claim. “user request” associated with the record will be considered as the request of step 1 of claim 1. Furthermore, it is not clear if “at least one computing device” is referring to “at least one computing device” of step 3 of claim 1. “at least one other computing device” will be considered as “the at least one computing device” and refer to step 3 of claim 1.
- iii) Regarding claim 15, in step 8, “the at least one computing device” lacks sufficient antecedent basis and will be considered as “at least one computing device of the two or more computing devices”.
- iv) Regarding claim 27, in steps 10, 12-13, and 14, “the set of criteria” lacks sufficient antecedent basis. It is not clear if “the set of criteria” is referring to “a set of criteria” in step 1 or “a set of criteria” in step 9 of the claim.

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- v) Regarding claim 37, "the set of criteria" lacks sufficient antecedent basis, and it is not clear as to which set of criteria "the set of criteria" is referring to in the claim.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel et al. US Patent #7,130,841 (Goel hereinafter), in view of Genser, US Patent #6,594,670 (Genser hereinafter) and Land et al. US Publication #2006/0080306 (Land hereinafter).

8. As per claim 1, Goel teaches substantially the invention as claimed including a computer network having two or more computing devices in communication, a method for managing data available for access on the network, the method comprising:

obtaining, at a host computing device included as part of the computing network and associated with a user, a request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining an identification of data stored on the host computing device associated with the user request and matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

automatically obtaining an identification of data stored on at least one computing device included in the computer network and matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query remote system to derive a second result.);

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merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network (col. 7, lines 47-56. Combine the first and second result.);

generating a result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network (col. 8, line 5-15. Display the result after combining.);

maintaining a record of a result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining, at the host computing device, a second user request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent in Goel's teachings that a user may make more than one query.);

obtaining an identification of content stored on the host computing device associated with the user request and matching set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.).

9. Goel does not specifically teach of:

determining that the at least one other computing device is not available to receive a content query;

recalling the record of the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network;

merging the identification of data stored on the host computing device associated with the user request and the record of the result of the merging the identification of data stored on the host computing

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device associated with the user request and the identification of data stored on at least one computing device included in the computer network; and

generating a result of the merging the identification of data stored on the host computing device associated with the user request and the record of the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network.

10. Genser teaches of maintaining results of a previous search, recalling the results of the previous search, merging the results of the previous search with a current search, and displaying the results of the merging (col. 10, lines 14-26).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Goel with the teachings of Genser to maintain results of a previous search (the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored on at least one computing device included in the computer network), recall the results of the previous search, merge the result of the previous search with the result of a current search (identification of content stored on the host computing device associated with the “second” user request and matching set of criteria), and display the results of the merging. The motivation for the suggested modification is that Goel suggests that modifications may be made without departing from the scope, and Genser’s teachings would allow a user to efficiently refine search terms (col. 10, lines 1-9) and provide an organized list of search criteria match results (col. 2, line 65-col. 3, line 3).

12. Goel and Genser still do not specifically teach of determining that the at least one other computing device is not available to receive a content query.

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Land teaches of determining that a remote server is unavailable to receive a query, and performing a local search (claims 1 and 21).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel and Genser with the teachings of Land to determine if a remote server (system) is unavailable to receive a query. The motivation for the suggested modification is that Land's teachings would improve the efficiency of the suggested system by preventing the query of an unavailable device and unnecessary waiting for a response.

14. As per claim 27, Goel teaches substantially the invention as claimed including a computer network having a computing device directly associated with a user and at least one remote computing device in communication, a method for managing data available for access on the network:

obtaining, by the computing device directly associated with a user, a request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

obtaining, by the computing device directly associated with a user, an identification of locally stored content matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

transmitting, by the computing device directly associated with a user, a request to the remote computing device for an identification of content matching the set of criteria (col. 6, lines 9-14, 50-64. Automatically query remote system.);

obtaining, by the remote computing device, an identification of locally stored content matching the set of criteria (col. 6, lines 9-14, 50-64. Derive a second result.);

transmitting, by the remote computing device, the identification of locally stored content matching the set of criteria (col. 7, lines 47-56. Combine the first and second result. col. 5, line 61-67.



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Process performed on local system. It is inherent that the result was transmitted to the local system for combining.);

merging, by the computing device directly associated with the user, content matching the set of criteria (col. 7, lines 47-56. Combine the first and second result.); and

generating, by the computing device directly associated with the user, a result of the merged content matching the set of criteria (Paragraph 0025. Displays results to user.);

maintaining a record of the result of the merging of content matching the set of criteria (col. 8, line 5-15. Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining, by the computing device directly associated with the user, a second request to identify data corresponding to a set of criteria (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent that a user may make more than one query.);

obtaining, by the computing device directly associated with the user, an identification of locally stored content matching the set of criteria (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.);

15. Goel does not specifically teach:

determining, by the computing device directly associated with the user, that the remote computing device is not available to receive a content query;

recalling, by the computing device directly associated with the user, the record of the result of the merging of content matching the set of criteria;

merging, by the computing device directly associated with the user, the identification of locally stored content matching the set of criteria and the record of the result of the merging of content matching the set of criteria; and

generating a result of the merging of the identification of locally stored content matching the set of criteria and the record of the merging of content matching the set of criteria.

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16. Genser teaches of maintaining results of a previous search, recalling the results of the previous search, merging the results of the previous search with a current search, and displaying the results of the merging (col. 10, lines 14-26).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Goel with the teachings of Genser to maintain results of a previous search (the result of the merging of content matching the set of criteria), recall the results of the previous search, merge the result of the previous search with the result of a current search (merging of the identification of locally stored content), and display the results of the merging. The motivation for the suggested modification is that Goel suggests that modifications may be made without departing from the scope, and Genser's teachings would allow a user to efficiently refine search terms (col. 10, lines 1-9) and provide an organized list of search criteria match results (col. 2, line 65-col. 3, line 3).

17. Goel and Genser still do not specifically teach of determining, by the computing device directly associated with the user, that the remote computing device is not available to receive a content query.

Land teaches of determining that a remote server is unavailable to receive a query, and performing a local search (claim 21).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel and Genser with the teachings of Land to determine if a remote server is unavailable to receive a query. The motivation for the suggested modification is that Land's teachings would improve the efficiency of the suggested system by preventing the query of an unavailable device and unnecessary waiting for a response.

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19. Claims 12 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, Genser, and Land, in view of Smith, US Publication #2002/0059163 (Smith hereinafter).

20. As per claim 12, Goel does not specifically teach the method as recited in claim 1, wherein generating a result of the merging the identification of data stored on the host computing device associated with the user request and the record of the result of the merging the identification of data stored on the host computing device associated with the user request and the identification of data stored at least one computing device included in the computer network includes generating visual cues to the data not currently available to the user.

Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Genser, and Land with the teachings of Smith to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the user, the content that cannot be accessed.

22. As per claim 37, Goel does not specifically teach the method wherein generating a result of the merging of the identification of locally stored content matching the set of criteria and the record of the result of the merging of content matching the set of criteria includes generating visual cues corresponding to the data not currently available to the user.

Smith teaches of search information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

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23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Genser, and Land with the teachings of Smith to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the users, the content that cannot be accessed.

24. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, in view of Himmel et al. US Patent #6,324,566 (Himmel hereinafter), Genser, and Land.

25. As per claim 15, Goel teaches substantially the invention as claimed including a method for managing data available for access on the network:

obtaining a user request to identify content stored on the two or more computing devices, wherein one of the computing devices is a local computing device (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms.);

automatically querying the two or more computing devices within the computer network to identify the contents of local computing storage locations (col. 6, lines 4-14, 50-64. Automatically query local and remote system to derive a first and second result.);

merging the results of the queries (col. 7, lines 47-56. Combine the first and second result.); and

displaying the results of the merge query results (Paragraph 0025. Displays results to user.);

maintaining a record of the result of the merging the results of the queries (col. 8, line 5-15.

Display the result. It is inherent that the result is stored in memory while being displayed.);

obtaining a second user request to identify content stored on the two or more computing devices (col. 5, line 61-64; col. 6, line 5-19. Query at local system. Search terms. It is inherent that a user may make more than one query.);

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obtaining an identification of content stored on a computing device associated with the unique user identifier and matching the unique user identifier (col. 6, lines 6-9, 46-49. Receive first result. col. 7, lines 47-56. Result may include identifier.).

26. Goel does not specifically teach of:

querying to identify content associated with a unique user identifier.

determining that the at least one computing device is not available to receive a content query;

recalling the record of the merging of the results of the queries;

merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries; and

generating a result of the merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries.

27. Himmel teaches of querying content associated with a client identifier (claims 5 and 11).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Goel with the teachings of Himmel to query content associated with a client identifier. The motivation for the suggested modification is that Goel suggests that various modifications may be made without departing from the scope of the information, which Himmel's teachings does not, and Himmel's teachings would provide additional search criteria for identify content.

29. Goel and Himmel still do not specifically teach of:

determining that the at least one computing device is not available to receive a content query;

recalling the record of the merging of the results of the queries;

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merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries; and

generating a result of the merging the identification of data stored on the computing device associated with the unique user identifier and the record of the result of the merging of the results of the queries.

30. Genser teaches of maintaining results of a previous search, recalling the results of the previous search, merging the results of the previous search with a current search, and displaying the results of the merging (col. 10, lines 14-26).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel and Himmel with the teachings of Genser to maintain results of a previous search (result of the merging the results of the queries), recall the results of the previous search, merge the result of the previous search with the result of a current search (the identification of data stored on the computing device associated with the unique user identifier), and display the results of the merging. The motivation for the suggested modification is that Goel suggests that modifications may be made without departing from the scope, and Genser's teachings would allow a user to efficiently refine search terms (col. 10, lines 1-9) and provide an organized list of search criteria match results (col. 2, line 65-col. 3, line 3).

32. Goel, Himmel, and Genser still do not specifically teach of determining that the at least one computing device is not available to receive a content query.

Land teaches of determining that a remote server is unavailable to receive a query, and performing a local search (claim 21).

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33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Himmel, and Genser with the teachings of Land to determine if a remote server is unavailable to receive a query. The motivation for the suggested modification is that Land's teachings would improve the efficiency of the suggested system by preventing the query of an unavailable device and unnecessary waiting for a response.

34. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goel, Himmel, Genser, and Land, in view of Smith.

35. As per claim 24, Goel does not specifically teach the method as recited in claim 15, wherein displaying the results of the merge query results includes generating visual cues corresponding to the data not currently available to the user.

Smith teaches of searching information based upon search criteria, wherein search results are displayed and results that are not available may be flagged as unavailable (Paragraph 0049).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suggested system of Goel, Himmel, Genser, and Land with the teachings of Smith to display search results and flag the results that are not available. The motivation for the suggested modification is that Smith's teachings would enhance the user-friendliness of the system by notifying to the user, the content that cannot be accessed.

### **Conclusion**

37. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

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38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

~~NATHAN J. FLYNN~~  
~~SENIOR PATENT EXAMINER~~  
~~TECHNOLOGY CENTER 2100~~

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 8, 2007

JJ